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4 **UNITED STATES DISTRICT COURT**
5 **SOUTHERN DISTRICT OF CALIFORNIA**
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7 ADRIANNE SMITH, as an individual and
8 on behalf of all others similarly situated,,
9 Plaintiff,
vs.

10 KRAFT FOODS, INC., a Virginia
11 corporation,

12 Defendant.

CASE NO. 07cv1352-LAB (BLM)

**ORDER TERMINATING CASE
FOR FAILURE TO PAY FILING
FEE**

13 On August 1, 2007, Harold M. Hewell, Esq. filed a purported federal Class Action
14 Fairness Act Complaint seeking injunctive relief, restitution, and damages from defendant
15 Kraft Foods, Inc. alleging, *inter alia*, unfair business practices, false and misleading
16 advertising, misrepresentation, breach of warranty, violations of the California Consumer
17 Legal Remedies Act, and unjust enrichment associated with certain of Kraft's product
18 labeling practices. Summons issued the same day. On August 22, 2007, the Financial
19 Department of this court notified Mr. Hewell by letter that his personal check in the amount
20 of \$350.00 tendered as the filing fee for the Complaint had been returned by the bank due
21 to insufficient funds, instructed him the court would accept in future from him only cashier's
22 checks or money orders, and requested he provide such payment directed to the Clerk of
23 Court at the address provided in the letter. Dkt No. 3. No further activity in this case
24 appears from the docket. Accordingly, as no cognizable litigation was commenced for failure
25 to pay the required filing fee, **IT IS HEREBY ORDERED** the Clerk of Court shall terminate
26 this action in its entirety, without prejudice.

27 **IT IS SO ORDERED.**

28 DATED: October 16, 2007

Larry A. Burns

HONORABLE LARRY ALAN BURNS
United States District Judge